

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

Criminal No. 08-0303
ELECTRONICALLY FILED

GARY STEPHANY,

Defendant.

Order of Court on Government's Motion in Limine (Doc. No. 59)

After careful consideration of the government's Motion in Limine and defendant's response thereto, the Court agrees with the government that, under Fed.R.Evid. 401, the ultimate outcome of the state charges for which there were outstanding fugitive warrants for defendant are not relevant to the events surrounding the instant charges against him for assault on federal law enforcement officers in violation of 18 U.S.C. § 111(a)(1) and (b). The Court agrees with defendant that the nature and grading of the offenses are relevant considerations for the jury in determining defendant's state of mind on June 17, 2008, the purported date of the alleged assault.

The Court will therefore permit defendant to inquire and offer evidence as to the nature and grading of the charges that were outstanding against him at the relevant times, but not as to the disposition of the charges. The Court strongly encourages counsel to enter into an appropriate stipulation to be read to the jury on this point. Accordingly, defendant's Motion in Limine (doc. no. 59) is GRANTED.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties